

MINUTES
Of
A MEETING OF THE WATER USERS OF THE PRICE RIVER DISTRIBUTION
SYSTEM, Held in the Price City Hall, March 23, 1949

George Waterman was chairman of the meeting. It convened at 11:15 A.M., Mr. Monson and Mr. Morgan, from the state engineer's office, were presiding.

Those present were:

Monson	A. P. Dimick	Price Canal Co.
Morgan	Irvin Gerber	Wellington Canal
Water Users:	William Robb	Pioneer No. 1
George Waterman, Chairman	Others:	
William Marsing Carbon Canal Co.	John Bene, District Engineer	
M. Q. Golding Carbon Canal Co.	Robert L. Hassell, County Agent	
Domenic Listello Carbon Canal Co.	Morris H. Taylor, Extension Cattle	
and Allred Ditch	Marketing Specialist	
George N. Hill Carbon Canal Co.	W. N. Draper	
Moroni Hanson Carbon Canal Co.	Elliott Killpack, Soil Conservation	
Ray Branch Carbon Canal and	Service	
Wellington Canal	Arthur N. Smith, County Treasurer	
W. G. Grange Carbon Canal Co.	Pete Monett	
K. A. Wilson Carbon Canal Co.		
E. E. Peirce Irrigation District		
Rex Mathis Irrigation District		

Mr. Waterman asked for the call and the minutes of the previous meeting to be read. Mr. Monson read the call, and as there were no minutes available to be read, he read instead a letter concerning a meeting of February 15 which contained a report of the meeting. These minutes were never approved. *see letter Robb. 2-16-49*

Mr. Peirce stated that no mention was made in the report of a motion that was thrashed out and finally passed. The motion was that the adjudication committee recommend to the state engineer that he cancel the assessments against the Price River Conservation District as erroneously charged. Mr. Critchlow stated that he had objected to that motion.

Mr. Monson read a report from the state engineer dated February 17, 1948. This report was left out of the minutes of the February 15 meeting held in the City Hall, and was on the method used to compute assessments.

There was a long discussion in which Mr. Gerber, Mr. Marsing, Mr. Peirce, Mr. Waterman, Mr. Critchlow, and Mr. Mathis participated. It was the general opinion of the group that they were being assessed double for their water. Mr. Monson tried to explain that last year's assessment was based on the actual water used on every ditch. He asked who the water belonged to, and Mr. Peirce said to the people who own the land in the district. Mr. Monson said that on the state engineer's records the storage water was listed as the property of the district, and Peirce said it was as long as it was in the reservoir, and Mr. Monson replied that assessments had never been made on any storage water until last year. (1948) Mr. Monson explained that the assessment for 1947 was based on a five-year average up to and including 1946. Prior to 1948 the figures were natural flow figures.

Then Mr. Peirce said, "In 1946 we passed a motion in that meeting that we ask the state engineer to come in and release the irrigation district from this assessment, but the secretary failed to get that motion. It was duly made and carried, but was not in the minutes, so the district was assessed the same. We protested, but he did not listen to us. Then in 1947, this was delinquent, and it came up in the adjudication meeting and was thrashed out thoroughly there. There was a deficit of some \$87.00 and

the irrigation district offered then to pay that deficit if they would cancel their assessment. We made that offer and it was turned down. At that meeting, another motion was passed that they not be assessed in 1947 but the delinquency was carried over." Mr. Monson replied that the assessment last year was set up on the basis that that would be paid. Mr. Peirce stated that in order to put it in the clear the erroneous assessment was to be cancelled.

The discussion continued, and Mr. Marsing asked what their assessment was for 1948 on the Carbon Canal, and Mr. Waterman answered that it was \$898.00 for 1948. Mr. Critchlow wanted to know how much the men paid per acre and said that no one knew, and George Waterman said he had a record of what each man had paid on the Carbon Canal. Mr. Critchlow made a statement to the effect that the district water runs through the Price Canal without paying for it. Mr. Mathis claimed this was not true, and said that the Allred Ditch Company only owned about .2 of that water that went through that canal.

It was evident there could be no agreement without reviewing the assessment rolls for 1947, so Mr. Monson and Mr. Waterman asked Mr. Robb if he would go and get the assessment rolls, so that the discussion could be ended. Mr. Robb agreed, and the meeting was recessed until Mr. Robb could return.

During the recess there was considerable discussion, and Mr. Waterman finally suggested that while they were waiting for Mr. Robb to return, they discuss the problem of combining the river commissioner's job with that of the caretaker at the Scofield Dam.

Mr. Monson stated that Mr. A. N. Smith, county treasurer, and Ray Walters, representing the Conservancy District, visited the state engineer's office and asked about whether or not it was feasible to have the water commissioner also be the watchman at the dam. It was discussed and legal advice had to be called in. They decided that there was nothing to prevent a man from holding both jobs if it were physically possible.

A discussion ensued on the good points and bad of combining the jobs, and some mention was made of the pay for the job and the pay for mileage on the job. Mr. Marsing was of the opinion that all mileage would have to be charged to the water users, and Mr. Monson said not necessarily. He thought the district should pay some of the mileage, but felt it was up to the water users themselves to decide. Some thought the job could be combined. When Mr. Gerber remarked that it might save the river commissioner mileage, from Price to the dam if the jobs were combined, Mr. Waterman stated that it might not save any money but that they would get more for their money. He said they wanted a record of the water.

Mr. Waterman further said that to date they had never had a river commissioner or anyone else that could tell anything about expenses for the delivery of water. He said that the engineer, John Bene, would work with them and the Treasurer's office would work with them on it. They could get forms printed, making a record of what was wanted from the river commissioner, and he could keep a daily report. However, he said, it was a new thing, and no one knew what it would require. It might be well to try it out for a year first.

There was some mention of mistakes that had been made in handling the reservoir water.

Mr. Peirce remarked that this question lead to another problem on the Price River - the regulation of the diversions. He said if the water could be properly controlled, so that the river commissioner could have complete control of the diversion of the water out of Price River, it would work to combine the two jobs. He said if you could get cooperation from the water masters on the various canals he thought a man could live at the reservoir and also be river commissioner. He thought it would work if the man had control of the diversions, but if it were done like it is now, with rocks and sticks, it wouldn't work.

Mr. Waterman reported that a committee went up over the river the day before to look it over and make a report. The report was to be made at this meeting.

By this time, Mr. Robb had returned with the assessment rolls, and after looking them over, Mr. Gerber, Mr. Marsing, and Mr. Peirce felt that they understood their assessment better, and Mr. Monson was able to point out to them that there had been no double charge. A discussion ensued.

Then Mr. Peirce said, "I think the irrigation district would be willing to pay this delinquent assessment on the condition that you continue to assess on the basis that you assessed in 1948. In view of the figures Mr. Monson has shown here, it is only right and fair we pay the delinquent assessment. Mr. Critchlow objected, and they asked him to look at the figures, but Mr. Critchlow felt they could not answer his question.

Mr. Waterman felt a vote should be taken on it, but discussion continued. Mr. Gerber wanted to know what the vote was on, the direct flow or all waters including the reservoir water, and Mr. Peirce wanted to know if the irrigation district would be entitled to a vote. He felt that representatives of various ditch companies should vote according to their rights. Mr. Marsing wanted to know if companies who failed to collect their assessment could in any way be forced to pay them, and he was assured by Mr. Monson that the river commissioner had the power to shut the gates to any canal that was delinquent. He said the water commissioner was the deputy of the state engineer. He said that was the law.

Mr. Waterman again prevailed on them to vote, but some of the men wanted to make sure what they were voting on. Mr. Marsing said, "If last year's assessment were based on direct flow, that is the way we would like to have it assessed if it is clear to the state engineer's office." Then Mr. Peirce said, "Mr. Monson, will you take it upon yourself to go to the Attourney general and ask him for another opinion, and if he agrees, ~~then~~ he is assessing right when he assesses the individual, let's have a letter to that effect for the record."

Mr. Waterman asked if they wanted to vote as individuals or as rights on the river. Mr. Peirce made a motion that they vote according to rights, and Mr. Mathis seconded the motion, but the vote did not materialize. Critchlow wanted to know what the men called "rights", and Mr. Waterman answered that rights on the river was what he was referring to.

Mr. Marsing then ammended the motion to say: We vote to assess on the basis of the total amount of water.

Mr. Peirce made a motion that a vote be taken according to the rights. W. N. Draper seconded the motion. The vote showed ten for, and Mr. Critchlow against, thus carrying the vote.

Then Mr. Gerber made a motion that assessments be made in the future as in 1948. Mr. Marsing seconded the motion, and 9 voted aye, and one opposed (Mr. Critchlow).

Mr. Waterman asked for a decision on the water commissioner's job being combined with that of caretaker at the dam. Mr. Branch wanted to make sure the man made commissioner knew that the meeting was being held for that purpose, and he was assured that all men concerned had been notified of the meeting.

There was more discussion on this problem and some mention made of snow surveys required. Mr. Robb stated that last spring he and James Bryner made the snow surveys. Mr. Peirce suggested that it might be possible to have two men, but have the caretaker

take care of the commissioner's duties at the reservoir, and have the river commissioner in Price taking care of the distribution. The one at the dam could be a deputy and work out a schedule of payment between the two. Mr. Monson felt that the system was not large enough to warrant two river commissioners, and if the man at the dam were to act in that capacity at the dam, the river commissioner would have to be responsible for the job anyway.

It was decided to let this matter drop for the time being.

Mr. Waterman then gave the report of the committee that had investigated the river the day before. He reported that: 1. The Lynn Ditch has a 6-inch parshall flume. No controls over the amount of water. 2. The Bryner-Plotz Ditch has a 9-inch Parshall flume that is washed out. Their flume is above the control gate so the Parshall flume doesn't do any good. 3. The Bryner-Hanson Ditch has good headgates out of the river but they have no controls. No measuring devices for the water. 4. The Spring Glen Canal has a good headgate but no measuring device and no control. Diversion works OK. It is recommended that they come down below the steel flume and put in a Parshall flume and control gate. The soil conservation men thought it was possible to put a flume in there at the railroad. It was suggested that the same thing the Carbon Canal has would work. 5. The Oberto Ditch has no Parshall flume. They have a gate that can be fairly well controlled, but it cannot be controlled the way it should be. 6. The Stowell Ditch is the same - there is no way to control it. Where they divert the water up the river there is a Parshall flume but the water cuts around it. 7. The Gay Ditch has a Parshall flume but not control gate. 8. The Price Canal has a radio gate and a little more work to do on the headgate. It is recommended the same type gate be used on all diversions up the river - screw gates.

This report was signed by Elliott Killpack, William Robb, M. Q. Golding, Hinson Cole, and others going over the river.

In summing up, there are only three gates on the river that are headgates.

It was asked if the engineer's office would see that proper gates were installed and repaired.

Mr. Gerber made a motion that they go ahead and appoint a river commissioner. Then Mr. Marsing made a motion that they adjourn for five minutes to discuss the matter of a river commissioner. Mr. Golding seconded the motion, all agreed, and they adjourned for a recess.

At the reassembly, Mr. Waterman stated that he had two written applications for water commissioner, one from Leon M. Olson and one from Moroni Hanson. Mr. Robb then stated that he had no written application in, but if the water users saw fit to reappoint him he now had submitted his verbal application.

Mr. Bolding nominated Moroni Hanson for river commissioner; Kenneth Wilson seconded the nomination; Mr. Draper moved that nominations close, and Mr. Hanson was appointed River Commissioner by acclamation. There were eight fotes for, none opposed.

In view of the fact that the meeting had gone overtime it was suggested that a vote be taken on the budget as it was set up for 1948. Mr. Gerber made a motion to that effect, Mr. Draper seconded it, and it was accepted by acclamation.

After a discussion it was decided that the new river commissioner should take up his duties as of April 1. Mr. Robb had expressed the desire to be released at that time. Mr. Golding made the motion to release Mr. Robb as of April 1, Mr. Draper seconded the motion, and all agreed.

Mr. Peirce made a motion to adjourn, it was seconded by several, and adjournment took place at 1:55 P.M.

Edna Keacock
Acting Secretary

Copy to Budget Dept
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